

Head 80 — JUDICIARY

Controlling officer: the Judiciary Administrator will account for expenditure under this Head.

| | |
|---|-------------------|
| Estimate 2009–10 | \$1,118.5m |
| Establishment ceiling 2009–10 (notional annual mid-point salary value) representing an estimated 1 448 non-directorate posts as at 31 March 2009 rising by 16 posts to 1 464 posts as at 31 March 2010. | \$442.8m |
| In addition, there will be an estimated 186 directorate posts as at 31 March 2009 and as at 31 March 2010, of which 180 are posts for judges and judicial officers. | |
| Commitment balance | \$3.3m |

Controlling Officer's Report

Programmes

Programme (1) Courts, Tribunals and Various Statutory Functions

These programmes contribute to Policy Area 12: Administration of Justice (Judiciary Administrator).

Programme (2) Support Services for Courts' Operation

Detail

Programme (1): Courts, Tribunals and Various Statutory Functions

| | 2007–08 (Actual) | 2008–09 (Original) | 2008–09 (Revised) | 2009–10 (Estimate) |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------------------|
| Financial provision (\$m) | 684.9 | 796.3 | 737.2 (-7.4%) | 848.2 (+15.1%) |
| | | | | (or +6.5% on 2008–09 Original) |

Aim

2 The aim is to maintain an independent and effective judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual and commands confidence within and outside Hong Kong.

Brief Description

3 Under this programme, different levels of courts and tribunals hear and adjudicate criminal cases and civil disputes. The operational objectives of these courts and tribunals are to:

- ensure just and expeditious disposal of cases;
- enhance professional standards;
- ensure the Judiciary and the courts keep abreast with changing times; and
- develop a bilingual court system in Hong Kong.

4 In 2008, the overall performance of the programme area was satisfactory. The majority of the performance targets were achieved. Only a few targets were not met, mainly because there were more complex and lengthy cases listed for hearing.

5 Under this programme, resources are also deployed to perform various statutory functions including those under the Electoral Affairs Commission Ordinance, the Interception of Communications and Surveillance Ordinance and the Securities and Futures Ordinance.

6 The key performance measures in respect of operations of the courts and tribunals are:

Targets

The waiting time targets have been set in accordance with the recommendations of the Court Users' Committees or are laid down in the respective ordinances or court rules.

Head 80 — JUDICIARY

| | Target | 2007 (Actual) | 2008 (Actual) | 2009 (Plan) |
|---|---------|------------------|------------------|------------------------|
| <i>Average Waiting Time (days)</i> | | | | |
| Court of Final Appeal | | | | |
| application for leave to appeal | | | | |
| criminal—from notice of | | | | |
| hearing to hearing | 45 | 40 | 40 | 45 |
| civil—from notice of hearing | | | | |
| to hearing | 35 | 37 | 35 | 35 |
| substantive appeal | | | | |
| criminal—from notice of | | | | |
| hearing to hearing | 100 | 78 | 89 | 100 |
| civil—from notice of hearing | | | | |
| to hearing | 120 | 110 | 95 | 120 |
| Court of Appeal of the High Court | | | | |
| criminal—from setting down of a | | | | |
| case to hearing | 50 | 50 | 42 | 50 |
| civil—from application to fix date | | | | |
| to hearing | 90 | 87 | 85 | 90 |
| Court of First Instance of the High Court | | | | |
| Criminal Fixture List—from filing | | | | |
| of indictment to hearing | 120 | 109 | 112 | 120 |
| Criminal Running List—from | | | | |
| setting down of a case to hearing... | 90 | 57 | 63 | 90 |
| Civil Fixture List—from application | | | | |
| to fix date to hearing | 180 | 114 | 145 | 180 |
| Civil Running List—from setting | | | | |
| down of a case to hearing | 90 | 61 | 59 | 90 |
| Appeals from Magistrates' Courts— | | | | |
| from lodging of Notice of Appeal | | | | |
| to hearing | 90 | 91 | 90 | 90 |
| District Court§ | | | | |
| criminal—from first appearance of | | | | |
| defendants in District Court to | | | | |
| hearing | 100 | 98 | 111 | 100 |
| civil—from date of listing to | | | | |
| hearing | 120 | 58 | 85 | 120 |
| Family Courtφ | | | | |
| dissolution of marriage—from | | | | |
| setting down of a case to hearing | | | | |
| Special Procedure List | 35 | 33 | 31 | 35 |
| Defended List (one day | | | | |
| hearing) | 110 | 119 | 143 | 110 |
| financial applications—from filing | | | | |
| of summons to hearing | 110-140 | 83 | 89 | 110-140 |
| Lands Tribunal—from setting down of a | | | | |
| case to hearing | | | | |
| appeal cases | 100 | 83 | 44 | 100 |
| compensation cases | 100 | 141 | 96 | 100 |
| building management cases | 100 | 54 | 40 | 100 |
| tenancy cases | 60 | 41 | 27 | 60 |
| Magistrates' Courts—from plea to date of | | | | |
| trialΔ | | | | |
| Summons | 50 | 95 | 78 | 50 |
| charge cases— | | | | |
| for defendants in custody | 30-45 | 47 | 41 | 30-45 |
| for defendants on bail | 45-60 | 64 | 56 | 45-60 |
| Coroner's Court—from date of listing to | | | | |
| hearing | 42 | 36 | 40 | 42 |
| Labour Tribunal— | | | | |
| from appointment to filing of a case .. | 30 | 10 | 17 | 30 |
| from filing of a case to first hearing... | 30 | 25 | 24 | 30 |
| Small Claims Tribunal—from filing of a | | | | |
| case to first hearing | 60 | 42 | 40 | 60 |
| Obscene Articles Tribunal— | | | | |
| from receipt of application to | | | | |
| classification | 5 | 2 | 2 | 5 |
| from referral by a magistrate to | | | | |
| determination | 21 | 17 | 18 | 21 |

Head 80 — JUDICIARY

- § The average waiting time for criminal cases exceeded the target due to more complicated cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- φ The average waiting time for defended cases exceeded the target due to more complicated cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- Δ The target waiting time for summons cannot be met due to an increase in caseload. Additional temporary judicial resources were deployed in January 2009 with a view to improving the waiting time. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.

Indicators

| | 2007 (Actual) | 2008 (Actual) | 2009 (Estimate) |
|--|------------------|------------------|--------------------|
| <i>Number of Cases</i> | | | |
| <i>Court of Final Appeal</i> | | | |
| application for leave to appeal..... | 139 | 158 | 160 |
| appeals | 44 | 42 | 40 |
| miscellaneous proceedings | 3 | 2 | 2 |
| <i>Court of Appeal of the High Court</i> | | | |
| criminal appeals..... | 488 | 439 | 440 |
| civil appeals..... | 421 | 385 | 390 |
| <i>Court of First Instance of the High Court</i> | | | |
| <i>criminal jurisdiction</i> | | | |
| criminal cases | 312 | 311 | 310 |
| confidential miscellaneous proceedings | 56 | 64 | 60 |
| appeals from Magistrates' Courts..... | 1 234 | 1 125 | 1 130 |
| <i>civil jurisdiction</i> | | | |
| probate cases..... | 20 657 | 21 514 | 26 020 |
| | 13 483 | 13 339 | 13 340 |
| <i>District Court</i> | | | |
| criminal cases | 1 240 | 1 250 | 1 250 |
| civil cases..... | 28 820 | 28 527 | 28 530 |
| divorce jurisdiction..... | 18 131 | 18 364 | 18 360 |
| Small Claims Tribunal..... | 68 797 | 59 246 | 59 250 |
| Labour Tribunal..... | 6 160 | 7 199 | 7 200 |
| Obscene Articles Tribunal | 70 212 | 44 464 | 44 460 |
| Coroner's Court..... | 175 | 151 | 150 |
| Lands Tribunal..... | 5 128 | 5 228 | 5 230 |
| Magistrates' Courts..... | 314 214 | 337 442 | 337 440 |

7 It should be noted that the number of cases alone is not a true reflection of a court's workload. In recent years, there has been an increasing number of complex cases that have generally taken longer time to conclude. Without compromising the quality of justice, the Judiciary will continue to try to enhance the productivity of the courts through measures such as improving the listing system and appropriate deployment of judicial resources.

Matters Requiring Special Attention in 2009–10

8 In 2009–10, the Judiciary will:

- continue to monitor the waiting time at the various levels of courts with a view to redeploying judicial resources if necessary; and
- implement the Civil Justice Reform in the High Court and the District Court and monitor the working of the reformed civil justice system.

Programme (2): Support Services for Courts' Operation

| | 2007–08 (Actual) | 2008–09 (Original) | 2008–09 (Revised) | 2009–10 (Estimate) |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------|
| Financial provision (\$m) | 225.6 | 248.5 | 235.6 (–5.2%) | 270.3 (+14.7%) |

(or +8.8% on
2008–09 Original)

Head 80 — JUDICIARY

Aim

9 The aim is to provide efficient and effective services to support the operation of courts.

Brief Description

10 Under this programme, administrative services are provided to support the hearing of cases in courts and tribunals at different levels, and to carry out court orders. The work involves:

- providing effective recording services for court proceedings and producing transcripts for these proceedings;
- ensuring that both the Chinese and English languages can be used in the court system;
- providing efficient bailiff services for enforcement of court orders;
- keeping comprehensive legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- adopting information technology and other modern management tools to enhance the efficiency of court support services.

11 In 2008, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators was satisfactory.

12 The key performance measures in respect of support services for the courts and tribunals are:

Indicators

| | 2007 (Actual) | 2008 (Actual) | 2009 (Estimate) |
|---|------------------|------------------|--------------------|
| <i>Reporting and Transcription</i> | | | |
| cases covered | | | |
| criminal | 265 511 | 279 070 | 279 070 |
| civil | 77 477 | 72 217 | 72 220 |
| cases with transcripts produced as required by judges | | | |
| criminal | 6 016 | 6 048 | 6 050 |
| civil | 2 046 | 1 911 | 1 910 |
| <i>Interpretation and Translation</i> | | | |
| pages of certification/translation processed by Court | | | |
| Interpreters | 368 305 | 310 574 | 310 570 |
| <i>Bailiff Service</i> | | | |
| executions attempted | 23 280 | 22 276 | 22 280 |
| summons services attempted | 79 866 | 84 416 | 84 420 |
| <i>Library</i> | | | |
| library materials acquired and processed..... | 34 596 | 35 660 | 35 660 |
| attendances at the Library | 63 565 | 64 073 | 64 070 |

Matters Requiring Special Attention in 2009–10

13 In 2009–10, the Judiciary will continue to:

- enhance support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants;
- provide infrastructural and other support for ensuring smooth implementation of the Civil Justice Reform and for monitoring its operations; and
- sustain quality management in the Judiciary Administration.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

| Programme | 2007–08 (Actual) (\$m) | 2008–09 (Original) (\$m) | 2008–09 (Revised) (\$m) | 2009–10 (Estimate) (\$m) |
|--|------------------------------|--------------------------------|-------------------------------|---|
| (1) Courts, Tribunals and Various Statutory Functions | 684.9 | 796.3 | 737.2 | 848.2 |
| (2) Support Services for Courts’ Operation..... | 225.6 | 248.5 | 235.6 | 270.3 |
| | 910.5 | 1,044.8 | 972.8 (–6.9%) | 1,118.5 (+15.0%) |
| | | | | (or +7.1% on 2008–09 Original) |

Analysis of Financial and Staffing Provision

Programme (1)

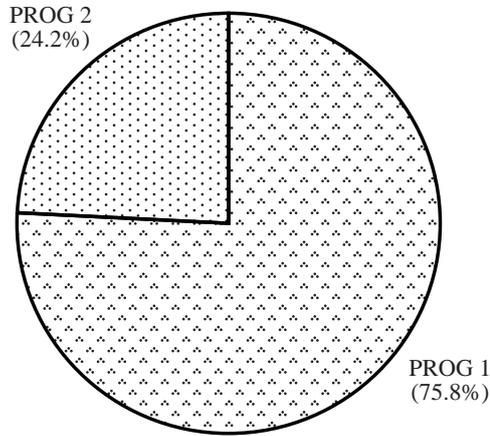
Provision for 2009–10 is \$111.0 million (15.1%) higher than the revised estimate for 2008–09. This is mainly due to the increased provision for judicial resources with a view to shortening the court waiting time, filling of vacancies, full-year effect of judicial posts created in 2008–09 and a net increase of 16 non-judicial posts to meet operational needs.

Programme (2)

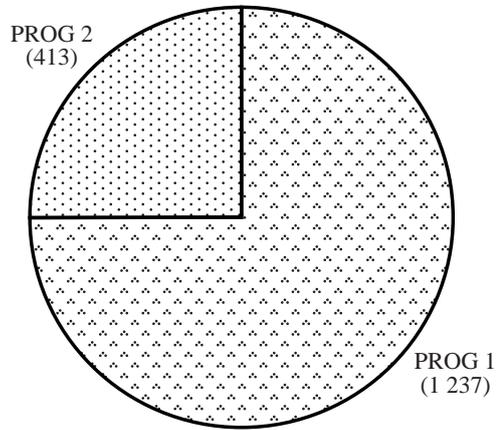
Provision for 2009–10 is \$34.7 million (14.7%) higher than the revised estimate for 2008–09. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation and filling of vacancies.

Head 80 — JUDICIARY

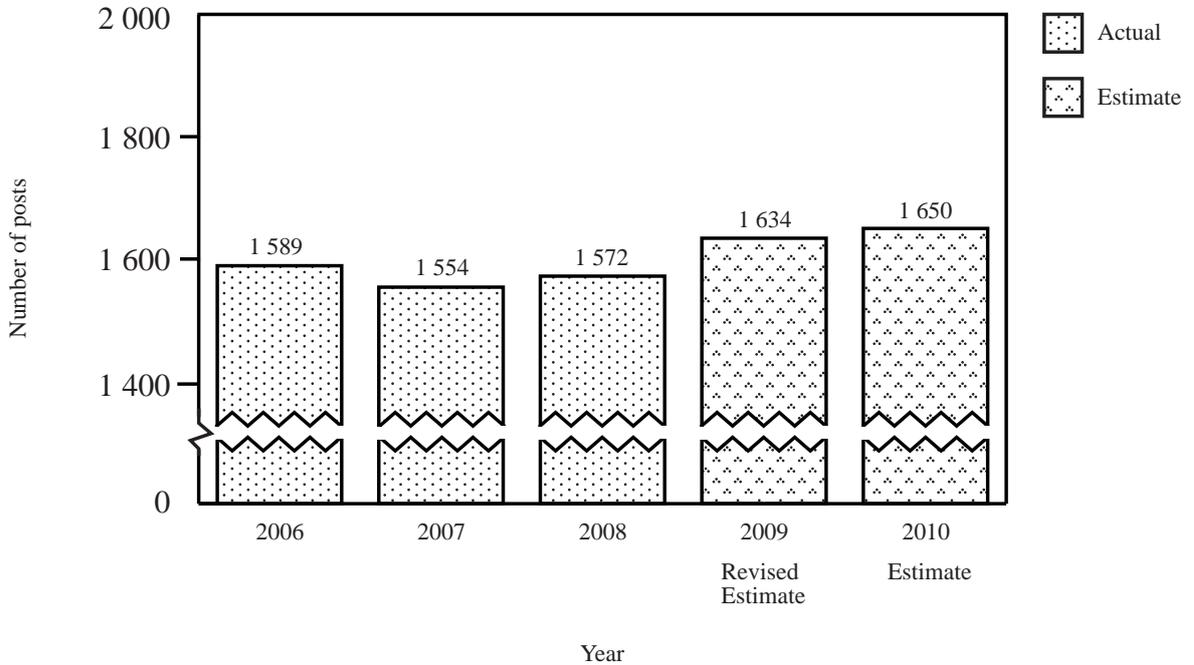
*Allocation of provision
to programmes
(2009-10)*



*Staff by programme
(as at 31 March 2010)*



*Changes in the size of the establishment
(as at 31 March)*



Head 80 — JUDICIARY

| Sub-head (Code) | Actual expenditure 2007-08 | Approved estimate 2008-09 | Revised estimate 2008-09 | Estimate 2009-10 | |
|----------------------------|--|---------------------------------|--------------------------------|---------------------|------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 | |
| Operating Account | | | | | |
| Recurrent | | | | | |
| 000 | Operational expenses | 880,653 | 1,009,908 | 940,002 | 1,082,390 |
| 206 | Expenses of witnesses and jurors..... | 5,969 | 8,500 | 7,000 | 8,500 |
| | Total, Recurrent..... | 886,622 | 1,018,408 | 947,002 | 1,090,890 |
| Non-Recurrent | | | | | |
| 700 | General non-recurrent..... | 2,266 | 3,421 | 2,594 | 1,000 |
| | Total, Non-Recurrent..... | 2,266 | 3,421 | 2,594 | 1,000 |
| | Total, Operating Account | 888,888 | 1,021,829 | 949,596 | 1,091,890 |
| Capital Account | | | | | |
| Plant, Equipment and Works | | | | | |
| 603 | Plant, vehicles and equipment..... | 177 | 450 | 380 | 430 |
| 613 | Law library acquisitions (block vote) | 19,546 | 19,950 | 19,950 | 22,350 |
| 661 | Minor plant, vehicles and equipment (block vote)..... | 1,848 | 2,529 | 2,847 | 3,837 |
| | Total, Plant, Equipment and Works..... | 21,571 | 22,929 | 23,177 | 26,617 |
| | Total, Capital Account..... | 21,571 | 22,929 | 23,177 | 26,617 |
| | Total Expenditure | 910,459 | 1,044,758 | 972,773 | 1,118,507 |

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2009–10 for the salaries and expenses of the Judiciary is \$1,118,507,000. This represents an increase of \$145,734,000 over the revised estimate for 2008–09 and of \$208,048,000 over actual expenditure in 2007–08.

Operating Account

Recurrent

2 Provision of \$1,082,390,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. The increase of \$142,388,000 (15.1%) over the revised estimate for 2008–09 is mainly due to the increased provision for operating expenses to support courts' operation, filling of vacancies, full-year effect of judicial posts created in 2008–09 with a view to shortening the court waiting time and a net increase of 16 non-judicial posts to meet operational needs.

3 The establishment as at 31 March 2009 will be 1 634 permanent posts. It is expected that there will be a net increase of 16 posts in 2009–10. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2009–10, but the notional annual mid-point salary value of all such posts must not exceed \$442,776,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

| | 2007–08 (Actual) (\$'000) | 2008–09 (Original) (\$'000) | 2008–09 (Revised) (\$'000) | 2009–10 (Estimate) (\$'000) |
|---|---------------------------------|-----------------------------------|----------------------------------|--|
| Personal Emoluments | | | | |
| - Salaries | 662,029 | 719,796 | 700,250 | 778,940 |
| - Allowances | 16,762 | 19,601 | 19,560 | 21,331 |
| - Job-related allowances | 1,284 | 1,681 | 1,384 | 1,870 |
| Personnel Related Expenses | | | | |
| - Cash allowance in lieu of housing benefits | 7,920 | 9,813 | 8,522 | 11,023 |
| - Mandatory Provident Fund contribution | 857 | 1,367 | 1,099 | 1,482 |
| - Civil Service Provident Fund contribution | 408 | 552 | 706 | 896 |
| Departmental Expenses | | | | |
| - Hire of services and professional fees | 75,944 | 109,372 | 88,987 | 113,703 |
| - General departmental expenses | 115,447 | 147,718 | 119,491 | 153,137 |
| Other Charges | | | | |
| - Magistrates poor box | 2 | 8 | 3 | 8 |
| | 880,653 | 1,009,908 | 940,002 | 1,082,390 |

5 Provision of \$8,500,000 under *Subhead 206 Expenses of witnesses and jurors* is for the expenses of witnesses in hearings in criminal cases and in coroners' inquiries, and jurors in both criminal and civil cases and in coroners' inquiries. The increase of \$1,500,000 (21.4%) over the revised estimate for 2008–09 is mainly due to the increase in the rates of witnesses' and jurors' allowances.

Capital Account

Plant, Equipment and Works

6 Provision of \$22,350,000 under *Subhead 613 Law library acquisitions (block vote)* is for the replenishment of court and tribunal libraries and for subscriptions to legal periodicals and supplements. The increase of \$2,400,000 (12.0%) over the revised estimate for 2008–09 is mainly due to increased requirements for procurement of law books and materials to meet operational needs.

7 Provision of \$3,837,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$990,000 (34.8%) over the revised estimate for 2008–09. This is mainly due to increased requirements for minor plant and equipment in court buildings.

Head 80 — JUDICIARY

Commitments

| Sub-head (Code) | Item (Code) | Ambit | Approved commitment | Accumulated expenditure to 31.3.2008 | Revised estimated expenditure for 2008–09 | Balance |
|---------------------------------|----------------|---|------------------------|--|--|---------|
| | | | \$'000 | \$'000 | \$'000 | \$'000 |
| <i>Operating Account</i> | | | | | | |
| 700 | | <i>General non-recurrent</i> | | | | |
| | 520 | Production of videos..... | 2,800 | 2,324 | — | 476 |
| | 521 | Pilot scheme on family mediation | 7,500 | 6,213 | 500 | 787 |
| | 522 | Production of videos and brochures on litigants in person in civil litigations..... | 2,500 | 1,469 | 400 | 631 |
| | | | 12,800 | 10,006 | 900 | 1,894 |
| <i>Capital Account</i> | | | | | | |
| 603 | | <i>Plant, vehicles and equipment</i> | | | | |
| | 218 | Installation of audio-visual presentation system in courtrooms | 5,400 | 3,656 | 380 | 1,364 |
| | | | 5,400 | 3,656 | 380 | 1,364 |
| | | Total | 18,200 | 13,662 | 1,280 | 3,258 |